

21 July 2003
Application No.:09/761,514
Docket: 1064.us

d.) Remarks

Claims 1 through 29 are pending in this application. Claims 7 and 28 have been amended. New claim 29 has been added to alternatively define Applicants' invention.

In the pending Office Action, the drawings were objected to under Rule 84. Specifically, reference numeral 140 was used to refer to both the bench jig and the alignment system in the specification. To address this aspect of the objection, the paragraph beginning at page 10, line 12, has been amended to use reference numeral 144 to designate the bench jig.

The drawings were also objected to because the bench jig, reference numeral 144, was incorrectly referenced in the drawing with reference numeral 140. Proposed drawings corrections are included hereinabove. Specifically, in Fig. 1, the bench jig is now referred to with reference numeral 144.

Claims 7 and 28 were objected to for a number of informalities. Specifically, it was suggested that the word "determined" be deleted from Claim 7, and in Claim 28, "mounting structure" should be changed to "a mounting structure". These changes have been made to the claims.

The instant request for continued examination has been filed primarily to overcome the outstanding rejections and to ensure consideration of the references from the International Search Report, which was filed on June 18, 2003. The Examiner's attention is directed specifically to German Reference DE 198 05 849 A1. It is the Applicants' position, however, that this reference does not show the claimed combination of installing optical components and measuring the positions of the optical components of the optical train, followed by aligning the optical components of the optical train, in response to these positions, as claimed.

Turning now to the pending rejection of claims 1 through 28, as being rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Pat. No. 5,896,412 to Beranek. This rejection is respectfully traversed for the following reasons.

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The Examiner takes the position that "it would have been obvious to one of ordinary skill in the art to carefully measure the positions of the optical components (as well as their respective optical properties; e.g., focal lengths) prior to alignment (either by active or passive alignment) prior to use of the optical system." This assumption is critical to the Examiner's argument.

Applicants respectfully request that the Examiner cite evidence supporting these assumptions. No evidence has been provided to establish that this would be obvious to one skilled-in-the-art. Certainly, the applied reference does not suggest these activities. And, without this evidence, there is no *prima facie* obviousness.

Moreover, new claim 29 requires a combination of characterizing positions of optical elements on mounting structures of optical components prior to installing the optical components on optical benches by reference to light that is transmitted through the optical elements and installing optical components onto the optical benches to form optical trains and measuring positions of the optical components of the optical trains and aligning the optical components of the optical trains in response to the positions of the optical components in the optical trains and the position of the optical elements on the mounting structures of the optical components. This set of steps is similarly not shown by the references.


For the foregoing reasons, Applicants believe that the present claimed invention is distinguishable over the applied reference. Withdrawal of the rejection is respectfully requested.

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Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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